

**JUDGE DARRAH
MAGISTRATE JUDGE SCHENKIER**

**Exhibit “F”
Complaint at Law**

COPY

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

Attorney ID 30037

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT LAW DIVISION

TAMMY A. ROBERTS,

Plaintiff,

vs.

No.

CALUM MACDONALD, Individually
and as agent of WESTERN EXPRESS,
INC., a foreign corporation, and
WESTERN EXPRESS, INC., a foreign
corporation,

Defendants.

2007L010348
CALENDAR/ROOM F
TIME 00:00
PI Motor Vehicle

COMPLAINT AT LAW

Count I

Tammy A. Roberts vs. Calum MacDonald

NOW COMES the Plaintiff, TAMMY A. ROBERTS, by and through her attorneys,
LAW OFFICES OF THOMAS J. POPOVICH, P.C. and complaining of the Defendant, CALUM
MACDONALD, states as follows:

1. That on October 30, 2005, I-90 was a public roadway generally extending in a
northerly and southerly direction at or near its location in the City of Chicago, Cook County,
Illinois.

FILED
07 OCT -2 AM 10:16
CIRCUIT COURT OF COOK
COUNTY ILLINOIS
CLERK
THOMAS J. SNOW

2. That on October 30, 2005, Madison Street was a public roadway generally extending in an easterly and westerly direction at or near its location in the City of Chicago, Cook County, Illinois.

3. That on October 30, 2005, TAMMY A. ROBERTS, operated a certain motor vehicle in a northerly direction along and upon I-90, at approximately 500 feet south of its intersection with Madison Street in the City of Chicago, Cook County, Illinois.

4. That on October 30, 2005, the Defendant, CALUM MACDONALD, operated a certain motor vehicle in a northerly direction along and upon I-90, at approximately 500 feet south of its intersection with Madison Street in the City of Chicago, Cook County, Illinois.

5. That on October 30, 2005, a collision occurred on I-90, at approximately 50 feet south of its intersection with Madison Street in the City of Chicago, Cook County, Illinois.

6. Said collision occurred between the vehicles operated by the Plaintiff, TAMMY A. ROBERTS, and the Defendant, CALUM MACDONALD, wherein the Defendant CALUM MACDONALD was traveling in the right northbound lane of I-90, suddenly and without warning passed into the lane of the vehicle operated by the Plaintiff, TAMMY A. ROBERTS and suddenly then and there stepped on his brakes, causing Plaintiff to collide with the rearend of Defendant's vehicle.

7. That on October 30, 2005, the Defendant CALUM MACDONALD owed a duty to Plaintiff, TAMMY A. ROBERTS, to exercise ordinary and reasonable care in the operation of his motor vehicle.

8. That Defendant CALUM MACDONALD breached that duty he owed to Plaintiff, TAMMY A. ROBERTS, and was negligent in one or more of the following respects:

- a. Failed to maintain control over the operation of his motor vehicle so as to cause him to slam on his brakes after overtaking the vehicle operated by the Plaintiff, TAMMY A. ROBERTS;
- b. Failed to maintain a proper lookout for other vehicles traveling on the road;
- c. Failed to exercise due care with respect to persons or vehicles on the highway in violation of 625 ILCS 5/11-601(a);
- d. Failed to drive entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety, contrary to and in violation of 625 ILCS 5/11-709(a)
- e. Failed of take into consideration the safety of persons or property contrary to and in violation of 625 ILCS 5/11-503;
- f. Failed to use proper lane usage contrary to and in violation of 625 ILCS 5/11-702; and
- g. Otherwise operated his motor vehicle in a negligent and careless manner so as to cause injury to the Plaintiff TAMMY A. ROBERTS.

9. That as a direct and proximate result of one or more of the foregoing negligent acts and/or omissions by the Defendant CALUM MACDONALD, the Plaintiff TAMMY A. ROBERTS was and has become bodily injured, both internally and externally; has suffered and will in the future suffer pain; has been permanently scarred and disabled; has become obligated for large sums of money for medical care and will in the future become obligated for large sums of money for medical care; has lost money that would have otherwise been earned by her; and has an impaired earning capacity.

WHEREFORE, TAMMY A. ROBERTS, demands judgement against the Defendant, CALUM MACDONALD, in the amount of money in excess of \$50,000.00, together with the costs of this action.⁷⁴

Count II

Tammy A. Roberts vs. Western Express, Inc.

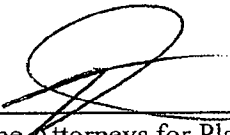
1-9. Plaintiff TAMMY ROBERTS, restates and realleges paragraphs 1 through 9 of Count I as paragraphs 1 through 9 of this Count II.

11. On October 30, 2005 the vehicle being operated by Defendant CALUM MACDONALD, was owned by Defendant WESTERN EXPRESS, INC.

12. While Defendant, CALUM MACDONALD, was operating said vehicle on October 30, 2005, he was doing so as an agent and/or employee of Defendant WESTERN EXPRESS, INC.

WHEREFORE, Plaintiff, TAMMY A. ROBERTS, demands judgment against Defendant WESTERN EXPRESS, INC., in an amount in excess of \$50,000.00, together with the costs of this action.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.



One of the Attorneys for Plaintiff

John A. Kornak
LAW OFFICES OF THOMAS J. POPOVICH
3416 W. Elm St.
McHenry, IL 60050
815-344-3797
Atty No. 30037

STATE OF ILLINOIS)
)SS
COUNTY OF COOK)

Attorney ID 30037

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT LAW DIVISION

TAMMY A. ROBERTS,)
)
 Plaintiff,)
)
 vs.) No.
)
CALUM MACDONALD, Individually)
and as agent of WESTERN EXPRESS,)
INC., a foreign corporation, and)
WESTERN EXPRESS, INC., a foreign)
corporation,)
)
 Defendants.

AFFIDAVIT

I, John A. Kornak, being first duly sworn on oath, depose and state as follows:

1. That I am one of the attorneys responsible for the prosecution of the above-entitled case.
2. That on behalf the Plaintiff, TAMMY ROBERTS, I am hereby requesting money damages in excess of \$50,000.00, together with the costs of this action, against each of the above-named Defendants.

FURTHER, Affiant sayeth naught.

LAW OFFICES OF THOMAS J. POPOVICH, P.C.



John A. Kornak

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